

The Gazette of India



EXTRAORDINARY

27. 6. 57

PART II—Section 3

PUBLISHED BY AUTHORITY

No. 337] NEW DELHI, SATURDAY JUNE 22, 1957/ASADHA 1, 1879

ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 14th June 1957

S.R.O. 2075.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 225 of 1957, presented to the Commission on the 23rd April, 1957 under section 81 of the said Act, by Sardar Dayal Singh son of S. Basant Singh resident of Fatehabad, Tehsil Tarn Taran, Distt. Amritsar, calling in question the election to the House of the People from the Tarn Taran constituency of that House of Sardar Surjit Singh Majithia Deputy Defence Minister, New Delhi.

Presented to me by Shri Charanjit Singh who has been duly authorised by the petitioner to present this petition and whose signature has been obtained in the margin and attested as having been signed before me this the twenty third day of April One Thousand Nine Hundred and Fifty Seven.

(Sd.) DIN DAYAL,

23-4-57

Under Secretary,
Election Commission, India.

(Sd.) CHARANJIT SINGH.

Attested

DIN DAYAL,

23-4-57

BEFORE THE ELECTION COMMISSION, INDIA, NEW DELHI

ELECTION PETITION No. 225 of 1957

Sardar Dayal Singh son of S. Basant Singh, caste Sikh, resident of Fatehabad, Tehsil Tarn Taran, District Amritsar—*Petitioner.*

Versus

Honourable Sardar Surjit Singh Majithia, Deputy Defence Minister, New Delhi.

2. S. Dalip Singh Tapiala son of S. Janmeja Singh, resident of Tapiala, P.O. Bhullar Via Preet Nagar, District Amritsar.

3. S. Didar Singh son of S. Jindar Singh Advocate, the Mall, Amritsar.

4. S. Dalip Singh son of S. Hira Singh village Kariala, P. S. Valtoha, Tehsil Patti, District Amritsar.

5. Shri Jamna Das son of L. Gopal Dass, Gali Tellan, Nimak Mandi, Amritsar.
6. S. Mota Singh son of S. Atma Singh, village and P.O. Jhabbal, District Amritsar.
7. S. Gurwaryam Singh son of S. Gurbux Singh, village Pahoowind, Tehsil Patti, District Amritsar—*Respondents*.

Petition under section 81 read with section 100 and 101 of the Representation of the Peoples Act of 51 (43 of 1951).

The petitioner prays as under:—

1. That the result of the election was declared on 10th March, 1957 and hence the petition is within time.
2. That Rs. 1,000/- has been deposited in the Government Treasury in accordance with rules and a receipt (chalan) for the same is attached herewith.
3. That Respondent No. 1 was declared elected and the remaining respondents No. 2 to 5 besides the petitioner were prospective candidates for contesting the election to the 272 Tarn Taran Parliamentary Constituency but were declared unsuccessful. The respondent Nos. 6 and 7 withdrew on 4th February, 1957 hence respondent Nos. 2 to 7 have been made parties in this petition.
4. That Ram Chand Polling agent of Polling Booth Patti for respondent No. 1 is in the pay of Public Relations Office, Punjab States Department. This offends the rules and affects the election adversely hence election of the respondent No. 1 be declared void according to law.
5. That respondent No. 1 got exercised votes of persons (electors) who were dead on the date of polling. Persons who voted for such electors are liable to be prosecuted and as such the election of respondent No. 1 being void, be set aside. The details of such votes is given in schedule marked "A" annexed herewith.
6. That the respondent No. 1 has been guilty of corrupt practices mentioned with full particulars which were adopted by the respondent No. 1 and his supporters are given in schedule "B" annexed herewith.

The corrupt practices are mentioned below:—

- (i) That the respondent No. 1 procured the assistance for the furtherance of the prospects of his election from several persons serving under the Government of India, Punjab State and the local Government offices.
 - (ii) That respondent No. 1 has been guilty of procuring vehicles for the conveyance of the electors.
 - (iii) That respondent No. 1 himself and through his agents have been falsely propagating that the petitioner had withdrawn from contesting the election, which adversely affected the petitioner.
 - (iv) That respondent No. 1 has been threatening the electors not to vote for the petitioner even in the petitioner's camps, but to vote for him only.
 - (v) That respondent No. 1 has been guilty of corrupt practices by giving bribe to the electors to vote for him and not to vote for the petitioner. Such acts of respondent No. 1 materially affected the result of election so far as petitioner is concerned.
7. That respondent No. 1 through his supporters has been interference with the free exercise of electoral rights and their such acts have materially affected the result of the election. The full particulars of such undue influence are given in the list marked "C" annexed herewith.
8. That the accounts submitted by respondent No. 1 are wrong, false, underestimated in as much as:—

- (i) That the rate of jeep in those days was not less than Rs. 40/- per day and of a weapon carrier of not less than Rs. 50/- per day whereas respondent No. 1 has shown the rates of Rs. 20/- and Rs. 25/- per day respectively. By doubling the rate the expenses far exceed Rs. 25,000/- which figure offends rule 25 and hence the election be declared void.
 - (ii) That the expenses of petrol have been shown to be much less than the amount spent on the actual quantity of petrol consumed during the election of respondent No. 1. In fact the petrol consumed cannot be less than Rs. 50,000/- worth.
 - (iii) That although there were langars started by respondent No. 1. at Amritsar, Ajnala, Patti, Tarn Taran, Jhabhal, Gharinda and Lopoki where the workers had been taking their meals but no expenses of such langars have been shown in the statement of accounts. The expenses of langars are in no case less than Rs. 1,000/- per day and so in all Rs. 14,000/- were spent during the election days, but this whole item finds no place in the return of accounts submitted by respondent No. 1.
 - (iv) That the receipts of Taxi Drivers appear to be false and forged ones. They appear to have been type written on one and the same day by the same type and appear to have been signed with the same ink in the same hand. So the accounts appear to be bogus and made up.
 - (v) That the respondent No. 1 has shown Rs. 500/- of security as the amount spent whereas he is entitled to its withdrawal as a successful candidate.
9. That on the Ballot Boxes respondent No. 1's name was written as Sardar Surjit Singh Majithia instead of Sardar Surjit Singh only. This fact affected the petitioner adversely and was against law.
10. That sufficient publicity was not given to the candidate symbols by not hanging them at three places as required by rules.
11. That for the reasons mentioned above the election of respondent No. 1 be declared null and void and re-election be ordered according to law.

Verification

Verified that paras Nos. 1 to 10 are true and correct to the best of my knowledge and belief.

Verified at Amritsar, dated 22nd
April, 1957.

Petitioner, S. Dayal Singh s/o
S. Basant Singh resident of
Fatehabad, Tehsil Tarn Taran,
District Amritsar.

(Sd.) DAYAL SINGH

(Sd.) DAYAL SINGH,

Through M. R. Sawhney, Advocate.

Note:—Power of attorney is attached with the original file.

ELECTION COMMISSIONER, NEW DELHI.

S. Dayal Singh

Versus. S. Surjit Singh Majithia etc.

SCHEDULE "A"

The following votes of dead persons were got polled by respondent No. 1 which affected the election of the petitioner adversely:—

	No. of Polling Booth	P.S. Vote No. 121	Name of Voter	Age	Occupation	Residence
(a)	3	Majithia	Harbans Lal S/o Balni	27 years	Zamindari	Village Thiriwal Zail Jalapur Teh. Amritsar.
(b)	3	875	Karnail Singh S/o Fauja Singh	38 years	Zamindari	Marari Kalan Teh. & Distt. Amritsar.

Both of these voters were dead much before the date of polling and yet some persons were made to personate in their stead and votes were got polled by respondent No. 1 through his agent. The names of such persons will be given later on.

Verification

Verified that the above schedule is correct to the best of my knowledge and belief.

Verified at Amritsar on 22nd April, 1957.

(Sd.) DAYAL SINGH

S. DAYAL SINGH,
Petitioner.

(Sd.) DAYAL SINGH,

Through M. R. Sawhney, Advocate.

BEFORE THE ELECTION COMMISSIONER GOVERNMENT OF INDIA, AT NEW DELHI

S. Dayal Singh

Versus

S. Surjit Singh Majithia etc.

SCHEDULE "B"

1. That the detail of corrupt practices is given as under:—

- (i) The rates charged for jeeps and weapon carriers used by respondent No. 1 are just half of the rates prevalent in those days as such the election expenses exceed Rs. 25,000/- if proper rates are charged for such vehicles.
- (ii) Langar at Jhabhal, Tarn Taran, Amritsar, Gharinda, and Lopoke, Patti and Ajnala, were run by the respondent No. 1 to feed the workers during the election campaign but no mention has been made of such an expense in the return.
- (iii) That no notification was issued by the Government regarding village Samrai, P. S. Ramdas Tehsil Ajnala, District Amritsar for a polling booth in 272 Tarn Taran Parliamentary Constituency, which has seriously affected the result of petitioner's election.
- (iv) That Man Singh son of Jathedar Teja Singh Samundri of village Bihari Pur, Tehsil Tarn Taran has been working from 1st February 1957 till the last day of polling for respondent No. 1 but no payment has been shown against his name in the return of accounts submitted by respondent No. 1.
- (v) That Bachitar Singh resident of Khuwaspur has been working for respondent No. 1 during election days yet no pay has been debited in the return of accounts filed by respondent No. 1. Similarly S Mangal Singh s/o Sham Singh of Goindwal Sahib has been working for respondent No. 1 during his election at Rs. 100/- per month but no expense has been shown against his name in the return submitted by respondent No. 1.
- (vi) That respondent No. 1 has been giving bribe to the scheduled caste electors to vote for him and not to vote for the petitioner. The names and the particulars of such persons will be given later on.

Verified that contents of the above schedule are correct to my best of knowledge, and belief. Verified at Amritsar on 22nd April 1957.

(Sd.) DAYAL SINGH

(Sd.) DAYAL SINGH,
Petitioner.

Through M. R. Sawhney, Advocate.

BEFORE THE ELECTION COMMISSIONER, GOVERNMENT OF INDIA AT
NEW DELHI

S. Dayal Singh

Versus

S. Surjit Singh Majithia, etc.

SCHEDULE "C"

1. Ram Chand son of Pandit Gopi Chand at Fatehwal, Tehsil Ajnala, District Amritsar, though in the pay of Public Relations Office Amritsar has been working as a Polling Agent for respondent No. 1. at Patti Polling Booth. This is against election rules. His official position adversely affected the petitioner's election results.

2. His Highness (Lieut.) Maharaja Sukhjot Singh of Kapurthala has been influencing the electors to vote for respondent No. 1 against the petitioner. He is an employee of the Union Government.

3. S. Beant Singh of P. S. Lopoke Sarpanch of village Ardhang Tehsil Ajnala has been working as a Polling agent of respondent No. 1 at Polling Booth Chogawan Tehsil Ajnala, District Amritsar which is against the election rule.

4. Similarly an other Sarpanch and Lambardar of village Lakhna Tehsil Patti, District Amritsar has been acting as a polling agent of respondent No. 1 at the polling booth No. 41 in Patti Halqa.

5. Shri R. D. Gupta Secretary Marketing Committee Tarn Taran has been using his influence in favour of respondent No. 1 over the electors and thus has been mis-using his official capacity which has adversely affected the petitioner in his election results.

6. That Inder Singh Patwari Fatehabad and S. Surain Singh Patwari Khuwaspur have been similarly mis-using their official position in favour of respondent No. 1 against the petitioner in influencing the electors.

7. That the respondent No. 1 lured the electors by promising to offer Rs. one lakh to Khalsa College Tarn Taran which has adversely affected the election results against the petitioner favouring respondent No. 1.

8. That the respondent No. 1 advanced Rs. 30,000/- to Shri G. S. Dhillon for fighting his election with a promise that his electors will vote for respondent No. 1 also in Halqa Tarn Taran.

9. Similarly, respondent No. 1 advanced another sum of Rs. 20,000/- to S. Narain Singh Shahbazzpuria for fighting his election from Patti Halqa with a view to get votes of his electors from the said Halqa.

10. That respondent No. 1 threatened the petitioner's voters in the polling camps of Fatehabad and Khuwaspur not to vote for the petitioner but to vote for him and in return he promised to help them in many ways in his official capacity. This affected the result of the petitioner's election adversely. The following persons were personally approached and requested not to vote for the petitioner on 24th March, 1957 and to vote for respondent No. 1.

1. Kartar Singh son of Bhai Jodha Mal, resident of Fatehabad, Tehsil Tarn Taran, District Amritsar.
2. Master Chet Singh s/o Sultan Singh of Fatehabad, Teh Tarn Taran, District ASR.
3. Balwant Singh s/o Sultan Singh of Fatehabad, Teh. Tarn Taran, District ASR.
4. Jammeja Singh s/o Jagat Singh of Pindian, Teh. T. Taran Dist. ASR.
5. Bijay Singh s/o Surjan Singh of Khuwaspur, Teh. Tarn Taran, Dist. ASR.
6. Dalip Singh s/o Deva Singh Resident of Khuwaspur, Teh. Tarn Taran, District Amritsar
7. Teja Singh s/o Deva Singh Resident of Khuwaspur, Teh. Tarn Taran, District Amritsar.

8. Pt. Duni Chand s/o Gobind Ram Residentt of Khuwaspur, Teh. Tarn Taran, District Amritsar.

11. That Rs. 5000/- were paid by respondent No. 1 for getting votes polled by scheduled cast electors of Tehsil Ajnala and Khandpur Sahib in Tehsil Tarn Taran and in Nandpur in Halqa Patti.

12. That the Congress High Command entered into a compromise with Master Tara Singh on behalf of the Akalis not to vote against the Congress and in its return they were promised and were actually given 23 seats. But for this compromise most of the electors were lured to vote for respondent No. 1 even though they wished to vote for Akalis or the petitioner. This compromise at the eleventh hour adversely affected the election results of the petitioner.

Verified that the contents of schedule "C" above are true and correct to the best of my knowledge and belief

Verified at Amritsar on 22nd April, 1957.

(Sd.) DAYAL SINGH

(Sd.) DAYAL SINGH,
Petitioner.

Through M. R. Sawhney, Advocate.

[No. 82/225/57.]

By Order,

K. S. RAJAGOPALAN, Under Secy.